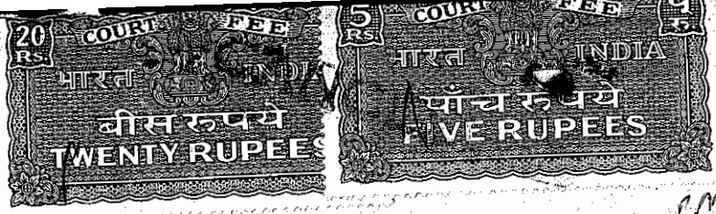

CF0000110921

IN THE HIGH COURT OF MADHYA PRADESH AT JABALPUR.

MISC. PETITION NO. 2063 OF 1992.

PETITIONER : Dainik Vetan Bhogi Karmachari Sangh, Krishi Upaj Mandi Samiti, Raipur through its President Heeradhar Verma, Krishi Upaj Mandi Samiti Pandri (Kampa), Raipur.

V E R S U S.

RESPONDENTS : 1. Director, Krishi Upaj Mandi Samiti, Sahkar Bhawan, Bhopal(M.P.).

2. Krishi Upaj Mandi Samiti, Raipur, through its Secretary, Pandri (Kampa), Raipur (M.P.).

PETITION UNDER ARTICLES 226/227

OF THE CONSTITUTION OF INDIA.

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Filed on 24-6-92
by Shri ..... Advocate

(73)

HIGH COURT OF CHHATTISGARH AT BILASPUR

SINGLE BENCH : HON'BLE SHRI SATISH K. AGNIHOTRI, J.

WRIT PETITION NO.2063 OF 1992

Petitioner	:	Dainik Vetan Bhogi Karmachari Sangh
	versus	
Respondents	:	Director, Krishi Upaj Mandi Samiti and another

Present : Mr. Ashish Shrivastava, counsel for the petitioner.
Mr. Jitendra Nath Nande, counsel for respondent No.2.

ORAL ORDER
(Passed on 27th of July, 2006)

The petitioner – Federation, representing 35 daily rated workers engaged by respondent No.2, has filed this petition seeking a direction that the impugned order dated 2-6-1992 issued by respondent No.2 disengaging services of the members of the petitioner – Federation be quashed and further respondent No.2 be directed to regularise services of the members of the petitioner – Federation. This is admitted case that 35 members of the petitioner – Federation were appointed on daily-wages basis on different dates on the posts of Worker, Time-Keeper, Chowkidar, etc.

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2. The Supreme Court in **Secretary, State of Karnataka and others vs. Umadevi and others, reported in (2006) 4 SCC 1** held that the employees, whose appointments are made on daily-wages basis, temporary, ad hoc, on contract, not in accordance with the Constitutional scheme and within the frame-work of rule of law, have no right to be reinstated, regularised, absorbed in the matter. The members of the petitioner – Federation have accordingly no right for regularisation. However, in paragraph 53, the Supreme Court has held as under :-

> Para 53 : "The question of regularisation of the services of such employees may have to be considered on merits in the light of the principles settled by this Court in the cases abovereferred to and in the light of this judgment. In that context, the Union of India, the State Governments and their instrumentalities should take steps to regularise as a one-time measure, the services of such *irregularly* appointed, who have worked for ten years or more in duly sanctioned posts but not under cover of orders of the Courts or of tribunals and should further ensure that regular recruitments are undertaken to fill those vacant sanctioned posts that require to be filled up, in cases where temporary employees or daily wagers are being now employed. The process must be set in motion within six months from this date. We also clarify that regularisation, if any already made, but not sub judice, need not be reopened based on this judgment, but there should be no further bypassing of the constitutional requirement and regularising or making permanent, those not duly appointed as per the constitutional scheme."

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3. The respondent No.2 is accordingly directed to consider cases of the members of the petitioner – Federation as one-time measure as per direction of the Supreme Court as stated above.

4. For the reasons aforementioned, the petition stands disposed of. No order as to costs.

Certified copy as per rules.

Sd/-
Satish K. Agnihotri
Judge

Gopal